

CONDOMINIUM PUBLIC REPORT

Prepared & Issued by: Developer Gloria Marshall, Trustee of the Gloria Marshall living Trust dated December 16, 1983
Business Address 73-1149 Ahulani Street, Kailua-Kona, HI 96740

Project Name (*): HALE KOLOLIA
Address: 73-1149 Ahulani Street, Kailua-Kona, HI 96740

Registration No. 3052 (Conversion) Effective date: February 12, 2009
Expiration date: Non-expiring pursuant to §514A-43(b), HRS

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports: Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

- ☐ **PRELIMINARY:**
(yellow) The developer may not as yet have created the condominium but has filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.
- ☐ **FINAL:**
(white) The developer has legally created a condominium and has filed complete information with the Commission.
☐ No prior reports have been issued.
☐ This report supersedes all prior public reports.
☐ This report must be read together with _____
- ☒ **SUPPLEMENTARY:**
(pink) This report updates information contained in the:
☐ Preliminary Public Report dated: _____
☒ Final Public Report dated: June 24, 1994
☐ Supplementary Public Report dated: _____
- And ☐ Supersedes all prior public reports.
☒ Must be read together with Final Public Report dated June 24, 1994
☐ This report reactivates the _____
public report(s) which expired on _____

(*) Exactly as named in the Declaration

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at 586-2643 to submit your request.

FORM: RECO-30 288/986/189/1190/892/0197/1098/0800/0203/0104/0107

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

[] Required and attached to this report ☒ Not Required - Disclosures covered in this report.

Summary of Changes from Earlier Public Reports:

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

[] No prior reports have been issued by the developer.

☒ Changes made are as follows:

The Real Estate Broker has changed and the title company has changed.
An assessment lien in the amount of \$9,694.50 has been recorded against the property upon which the project is located.

I. PERSONS CONNECTED WITH THE PROJECT

Developer: Gloria J. Marshall, Trustee of the Gloria J. Marshall Living trust dated December 16, 1983 Phone: 808-325-7826
Name* (Business)
73-1149 Ahulani Street
Business Address
Kailua-Kona, HI 96740

Names of officers and directors of developers who are corporations; general partners of a partnership; partners of a Limited Liability Partnership (LLP); or managers and members of a Limited Liability Company (LLC) (attach separate sheet if necessary):

N/A

Real Estate Broker*: Clark Realty Corporation Phone: 808-329-5525
Name (Business)
75-5722 Kuakini Highway
Business Address
Kailua-Kona, HI 96740

Escrow: First Hawaii Title Corporation Phone: 808 329-4433
Name (Business)
75-5812 Alii Drive, Suite A
Business Address
Kailua-Kona, HI 96740

General Contractor: Bennett Builders Ltd. Phone: 808-325-7532
Name (Business)
73-4863 Anini Street
Business Address
Kailua-Kona, HI 96740

Condominium Managing Agent*: The Project is self managed by the Association of Apartment Owners
Name Phone: (Business)
Business Address

Attorney for Developer: Colin L. Love Phone: (808) 329-2460
Name (Business)
P. O. Box 2072
Business Address
Kailua-Kona, HI 96745

* For Entities: Name of corporation, partnership, Limited Liability Partnership (LLP), or Limited Liability Company (LLC)

Fee Owner: Gloria J. Marshall, Trustee of the
Gloria J. Marshall Trust dated
December 16, 1983
Name

Lessor: N/A
Name
Address

C. **Buildings and Other Improvements:**

1. ☐ New Buildings
☒ Conversion of Existing Building(s)
☐ Both New Building(s) and Conversion

2. Number of Buildings: 2 Floors Per Building BLDG "A" - 2
BLDG "B" - 3

☒ Exhibit A contains further explanation.

3. **Principal Construction Materials:**

☐ Concrete ☐ Hollow Tile ☒ Wood

☐ Other

4. **Uses Permitted Use by Zoning:**

	No of Apts.	<u>Use Permitted By Zoning</u>	
<input checked="" type="checkbox"/> Residential	1	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Commercial		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Mix Res/Comm		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Hotel		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Ohana	1	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Industrial		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Agricultural		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Recreational		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Other		<input type="checkbox"/> Yes	<input type="checkbox"/> No

Is/Are this/these use(s) specifically permitted by the project's Declaration or Bylaws?

☒ Yes ☐ No

2. Limited Common Elements: Limited Common Elements are those common elements which are reserved for the exclusive use of the owners of certain apartments.

☐ There are no limited common elements in this project:

☐ The limited common elements and the apartments which use them, as described in the Declaration, are:

☐ described in Exhibit _____.

☒ as follows:

1. That certain land area upon and around which Apartment A is located, shown and designated on the Condominium Map as "Lot A" which does not include the portion of the paved driveway that provides access to Apartment B. Approximately 10,366 square feet, more or less, in area, is deemed the limited common element appurtenant to and for the exclusive use of Apartment A.
2. That certain land upon and around which Apartment B is located, shown and designated on the Condominium Map as "Lot B" and being 8,405 square feet, more or less, in area, is deemed a limited common element appurtenant to and for the exclusive use of Apartment B.

3. Common Interest: Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interest." It is used to determine each apartment's share of the maintenance fees and other common profits and expenses of the condominium project. It may also be used for other purposes, including voting on matters requiring action by apartment owners. The common interests for the apartments in this project, as described in the Declaration are:

☐ described in Exhibit _____

☒ as follows:

Apartment "A": 50%

Apartment "B": 50%

- E. Encumbrances Against Title: An encumbrance is a claim against or a liability on the property or a document affecting the title or use of the property. Encumbrances may have an adverse effect on the property or your purchase and ownership of an apartment in the project.

Exhibit "C" describes the encumbrances against the title contained in the title report dated November 19, 2008 and issued by First American Title Company, Inc.

2 Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:

- A) Condominium Public Reports issued by the developer which have been given an effective date by the Hawaii Real Estate Commission
- B) Declaration of Condominium Property Regime.
- C) Bylaws of the Association of Apartment Owners.
- D) House Rules.
- E) Condominium Map.
- F) Escrow Agreement.
- G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
- H) Other Amendment to Kona Coastview Subdivision Covenants

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer or through the developer's sales agent, if any. The Condominium Property law (Chapter 514A, HRS) and the Administrative Rules (Chapter 107) are available online. Please refer to the following sites:

Website to access official copy of the laws: www.capitol.hawaii.gov
Website to access unofficial copy of laws: www.hawaii.gov.dcca/hrs
Website to access rules: www.hawaii.gov.dcca/har

This Public Report is a part of Registration No. 3052 filed with the Real Estate Commission on February 15, 1994.

Reproduction of Report. When reproduced, this report must be on:

☐ YELLOW paper stock ☐ WHITE paper stock ☒ PINK paper stock

D. The developer declares subject to the penalties set forth in section 514A-49(b) that his project is in compliance with all county zoning and building ordinances and codes, and all other county permitting requirements applicable to the project, pursuant to Act 251 (SLA 2000) [Section 514A-1.6] The developer is required to make this declaration for issuance of an effective date for a final report)

E. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

Gloria J. Marshall, Trustee of the Gloria J. Marshall Revocable Living Trust dated
December 16, 1983

Printed Name of Developer

By: Gloria J. Marshall Trustee
Duly Authorized Signatory*

Oct 20, 2008
Date

Gloria J. Marshall, Trustee of the Gloria J. Marshall Revocable Living Trust dated
December 16, 1983

Print Name & Title of Person Signing Above

Distribution:

Department of Finance, County of Hawaii
Planning Department, County of Hawaii

***Must be signed for a: corporation by an officer; partnership or Limited Liability Partnership (LLP) by the general partner; Limited Liability Company (LLC) by the manager or member; and for an individual by the individual**

EXHIBIT "A"

DESCRIPTION OF BUILDING AND APARTMENTS

I. DESCRIPTION:

HALE KOLOLIA consists of two (2) buildings, primarily constructed of wood, with total square footage of 4787 square feet, 2802 square feet of which is living area.

Building "A". Building "A" is a two (2) story building with four (4) rooms, three (3) of which are bedrooms and two (2) baths, and a total living area of 1620 square feet. It has no basement. It has a carport under the structure with room to park two (2) compact cars. It also has one (1) outside parking space for a standard vehicle. All three (3) parking spaces are within the Limited Common Area for Building "A" and they are reserved for the sole use of the owners or occupants of Building "A". Building "A" has no lanais.

Building "B". Building "B" is a three (3) story building with eight (8) rooms, two (2) of which are bedrooms and three (3) baths, and a total living area of 1182 square feet. It has no basement. It has a carport under the structure with room to park two (2) compact cars. It also has one (1) outside parking space for a standard vehicle. All three (3) parking spaces are within the Limited Common Area for Building "B" and they are reserved for the sole use of the owners or occupants of Building "B". Building "B" also has 1985 square feet of decks and lanais.

APPROXIMATE NET FLOOR AREAS*

<u>Apartment Numbers</u>	<u>Number of Rooms</u>	<u>Net Living Area*</u>
A	4	1620
B	8	1182

* The approximate net floor areas of each Apartment in square feet as set forth above are measured from the interior surface of the Apartment perimeter walls.

NOTE: THE FLOOR AREAS ARE APPROXIMATE ONLY. THE DEVELOPER MAKES NO REPRESENTATIONS OR WARRANTIES WHATSOEVER AS TO THE FLOOR AREA OF ANY PARTICULAR APARTMENT.

End Exhibit "A"

EXHIBIT C
ENCUMBRANCES AGAINST TITLE

1. Real Property Taxes that may be due and owing. Refer to the County of Hawaii Director of Finance for further information
2. Title to all mineral and metallic mines reserved to the State of Hawaii.
3. Terms, provisions, reservations, covenants, conditions and restrictions, but deleting any of the aforementioned indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes or Chapter 515 of the Hawaii Revised Statutes, as contained in the Deed recorded as Book 8505 Page 410 of Official Records.
4. Regular System Condominium Map No. 1985.
5. The terms and provisions contained in or incorporated by reference in the Declaration of Condominium Property Regime, as may be amended. Said Declaration was recorded January 14, 1994 as Regular System Document No. 94-006866 of Official Records.
6. The terms and provisions contained in or incorporated by reference in the Condominium By-Laws, as may be amended. Said By-Laws were recorded January 14, 1994 as Regular System Document No. 94-006867 of Official Records.
7. Assessment Lien in the amount of \$9,694.50, pursuant to Ordinance No. 04-92 for Public Water System Improvements in "Improvement District No. 18, Kona Coastview and Kona Wonderview Subdivisions", as set forth by Certificate of Assessment Lien recorded November 30, 2004 as Regular System Document No. 2004-241457 of Official Records.
8. Terms and provisions as contained in that certain Gloria J. Marshall Revocable Living Trust dated December 16, 1983.